

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By **CHAIRMAN TIM CALLAHAN**, on January 20, 2005 at  
8:00 A.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Tim Callahan, Chairman (D)  
Sen. Trudi Schmidt, Vice Chairman (D)  
Sen. Keith Bales (R)  
Sen. Steven Gallus (D)  
Rep. Ray Hawk (R)  
Rep. Cynthia Hiner (D)  
Rep. John E. Witt (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Brent Doig, OBPP  
Harry Freebourn, Legislative Branch  
Shannon Scow, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion  
are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: None  
Executive Action: HB 2; Department of Corrections

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 8.5; Comments:  
Dorothy Bradley}***

**Dorothy Bradley, District Court Administrator for the 18th Judicial District**, stated the residential treatment facility has been the most effective tool in their district, naming it the "most effective thing to prevent recidivism." However, the county is missing a residential treatment center. Ms. Bradley informed the committee about a cooperative plan to open a district residential treatment facility in conjunction with Department of Corrections (DOC). This would not just be a prerelease center, but a 30-bed treatment center that would give district judges an option for offenders. This cannot be done without the DOC because it allows 30 beds rather than 10.

Exhibit 1 and Exhibit 2 were supplied by Department of Corrections in response to requested information.

[EXHIBIT\(jch15a01\)](#)

[EXHIBIT\(jch15a02\)](#)

**EXECUTIVE ACTION ON HB 2; DEPARTMENT OF CORRECTIONS**

***{Tape: 1; Side: A; Approx. Time Counter: 8.5 - 29.5; Comments:  
Contract Beds Increase Discussion and Motion}***

**SEN. WITT** wanted to discuss the issue of contract beds per diem increase, Decision Package (DP) 16, before going through other DP's for the sake of further proposals.

**Motion:** **REP. WITT** moved that **MR. FREEBOURN SET UP A MEETING WITH THE DOC TO DISCUSS DECISION PACKAGE 16, CONTRACT BEDS PER DIEM.**

**Discussion:**

**SEN. SCHMIDT** agreed with **REP. WITT**, commenting that the committee does not know enough about possible expansion of regional prisons, moving more prisoners out to prerelease centers, the possible geriatrics expansion or the least cost plan. **REP. WITT** continued that discussion with the Corrections Corporation of America (CCA) and the DOC needs to occur most. Because of the magnitude of the project, more education and discussion is needed.

**Substitute Motion:** **REP. WITT** made a substitute motion that **THE COMMITTEE SEGREGATE OUT EXECUTIVE ACTION ON DECISION PACKAGE 16**

**FOR THE PURPOSE OF GAINING FURTHER CONSIDERATION AND KNOWLEDGE THROUGH A MEETING BETWEEN DEPARTMENT OF CORRECTIONS, THE COMMITTEE AND CORRECTIONS CORPORATION OF AMERICA TO HEAR OTHER RELEVANT INFORMATION.**

**Discussion:**

**SEN. BALES** felt that other options have been given, but the cost and effectiveness of these options have not been included. **SEN. GALLUS** commented that if the committee invites CCA, as they should, the directors of the prerelease centers, administrators of the regional prisons, community placement officers and secure facilities should be included because the committee is discussing secure facilities. **SEN. SCHMIDT** concurred with **SEN. GALLUS** because all should be included to find out the least cost plan.

**Mr. Freebourn** responded that the committee needs to find a specific direction for the DOC. Either the committee meets to hear plans already devised by the involved entities, or the entities should come together to discuss and create a plan. **SEN. BALES** replied that the DOC needs to bring options, and from those options know the cost, advantages and disadvantages. **REP. HAWK** interjected that he thought the department did a good job giving the committee that information, and that a repetition of the same information would not be beneficial. However, it is clear that the DOC needs additional beds. What the committee needs to know before voting on Shelby is terms of the contract between CCA and the DOC, such as how fair-market value is defined.

**CHAIRMAN CALLAHAN** directed the committee to determine first the direction of the meeting before moving on, whether it be for the DOC to bring plans or for discussion. **REP. WITT** answered that the DOC should come forth with plans to move options forward and to be ready to talk about the contract, which may take more than one meeting. **SEN. SCHMIDT** emphasized that she wants to hear more options and cost about moving more offenders to the prerelease centers and geriatric center, communities that already exist that can take people. **Mr. Freebourn** commented that the information is there, but is fragmented. At the meeting the options need to be laid side by side so it is easier to compare.

**Vote: The amended motion carried unanimously.**

(**REP. WITT** stepped out of the meeting)

**Motion/Vote:** SEN. GALLUS moved to APPROVE THE BASE BUDGET FOR THE DEPARTMENT OF CORRECTIONS. Motion carried unanimously with REP. HAWK voting proxy for REP. WITT.

(REP. WITT has returned to the meeting)

**Motion/Vote:** SEN. GALLUS moved to GLOBALLY APPROVE THE PRESENT LAW ADJUSTMENTS FOR THE DEPARTMENT OF CORRECTIONS. Motion carried unanimously.

**Administration and Support Services**

**CHAIRMAN CALLAHAN** stated DP 12 in Program 1 has been removed. **NO ACTION ON DECISION PACKAGE 12.**

**Motion:** REP. CALLAHAN moved that DECISION PACKAGE 14 IN PROGRAM 1, RESTITUTION PROGRAM INCREASE, BE ADOPTED.

**Discussion:**

**Mr. Freebourn** explained DP 14 to the committee, saying that it is authority to collect fees from the offenders to administer the program, as well as an increase in state special revenue tax used to process restitution payments. The total is \$19,889 for each fiscal year of the biennium. The Legislative Fiscal Division's (LFD) issue with DP 14 is that nowhere is there a formal report showing how much restitution has been paid out or on the administration costs of the program. He proposed an annual report or request for interim committee supervision may be in order. **SEN. SCHMIDT** remarked she wants to direct the DOC to have the Legislative Finance or Judicial interim committee make a report on the costs of restitution payments.

**SEN. BALES** discussed making the decision one-time-only, so the committee can see what needs to go into the base after the report is made.

**Mr. Doig** added that this DP is to annualize the cost, so this is not actually an increase in cost for a year. They will already have to report on this amount. As far as restricting the amount, the Governor's Office would not want to see that done.

**SEN. BALES** was concerned that when the report does come out, that the legislature needs to have the ability to see the cost. **Mr. Doig** responded that by statute, only 10 percent is allowed to administer the program. **CHAIRMAN CALLAHAN** noted that this 10

percent may well exceed what the Department needs to administer the program.

**Mr. Freebourn** laid out options for the committee, one being an annual or quarterly report prepared by the department to show the restitution and administration costs.

**Substitute Motion/Vote:** SEN. BALES moved that DECISION PACKAGE 14 BE ADOPTED AS AMENDED TO INCLUDE AN ANNUAL REPORT ON THE COLLECTION, DISTRIBUTION AND ADMINISTRATION COST OF THIS PROGRAM. Motion carried unanimously.

**Motion/Vote:** SEN. GALLUS moved that DECISION PACKAGE 18, BOARD OF PARDONS MEMBER PER DIEM, BE ADOPTED. Motion carried 6-1 by voice vote with REP. WITT voting no.

**Motion:** SEN. SCHMIDT moved that DECISION PACKAGE 1, PROGRAM ONE, OFFENDER TRACKING SYSTEM, BE ADOPTED.

**Discussion:**

SEN. SCHMIDT recommended approving DP 1, but require a legislative audit committee follow up the process because there needs to be documented steps. The committee has not heard the disadvantage of the current system. There also needs to be more analysis on when and if it will be completed.

REP. WITT noted that similar systems have come up with a process to evaluate which improved the program tremendously. REP. WITT recommended this process be used throughout the state of Montana. CHAIRMAN CALLAHAN recommended a report telling the committee what has changed and what has been fulfilled. Joe Williams, Department of Corrections, remarked that it is a primary documentation issue that will be remedied by the end of the session, and encouraged the committee to proceed or to wait pending documentation.

**Vote:** Motion failed 0-7 by voice vote.

**Community Corrections**

*{Tape: 1; Side: B; Approx. Time Counter: 25 - 29.5}{Tape: 2; Side: A; Approx. Time Counter: 0 - 24; Comments: Additional Probation and Parole Staff Discussion}*

**Motion:** REP. WITT moved that DECISION PACKAGE 1, PROGRAM 2, ADDITIONAL PROBATION AND PAROLE STAFF, BE ADOPTED.

**Discussion:**

**SEN. BALES** is concerned that the caseload will decrease considerably with the addition of staff. He proposed the committee approve half the requested amount. **CHAIRMAN CALLAHAN** recalled that the decrease in caseload was not significant, but enough to allow continued close monitoring of offenders. **Mr. Freebourn** informed the committee that by his calculations the DOC needs 5.78 less FTE than requested to maintain their current workload.

**Substitute Motion:** **SEN. BALES** moved that **DECISION PACKAGE 1 BE AMENDED TO LOWER THE REQUESTED AMOUNT BY 6 FTE.**

**Discussion:**

**Mr. Freebourn** explained that the committee needs to specify which FTE they want removed: a probation and parole officer, institutional probation and parole officer, or administrative support. **SEN. BALES** withdrew his substitute motion without objection. The committee and DOC staff discussed options.

**SEN. SCHMIDT** said that with a potential shift within DOC of providing community corrections to more prisoners, she does not know if reducing this request is wise. **Dennis Ferriter, Community Corrections**, explained the DOC is looking at making a major shift. Ninety-five percent of prisoners are eventually under probation and parole, no matter where they go through the system. This request is not padded but is what the workload indicates and is an alternative to costly expansion. **REP. HINER** stated these FTE's are really needed in order to shift people out of the prisons.

**SEN. GALLUS** explained he considered a 25% decrease in the requested FTE because this is a big budget, and they do need to be fiscally responsible. He supports probation and parole, but knows they need to discuss whether it makes more sense to comply with 100% or 80% of their request. **CHAIRMAN CALLAHAN** agreed that the request is reasonable, particularly in support staff.

**Motion:** **SEN. BALES** moved that **DECISION PACKAGE 1 BE ADOPTED AND BE AMENDED TO REDUCE FY06 REQUEST BY FOUR PROBATION AND PAROLE OFFICERS, AND IN FY07 ONE PROBATION AND PAROLE OFFICER AND 0.5 ADMINISTRATION STAFF.**

(REP. WITT stepped out of the meeting)

**Discussion:**

**CHAIRMAN CALLAHAN** asked Mr. Ferriter if these positions are cut, what planned places will not be filled or obligations met. **Mr. Ferriter** stated that if he were not given the requested FTE, there are options to redesign and reduce the number of lateral contacts, question the future of supplying intensive supervision rather than incarceration, or cut institutional probation and parole officers.

**Joe Williams** informed the committee that under the current motion, \$119,975 would be reduced from the FY06 request and \$38,638 would be reduced in FY07.

**Substitute Motion/Vote:** **REP. HINER** made a substitute motion that **DECISION PACKAGE 1 BE ADOPTED AS STATED**. Substitute motion carried 4-3 by voice vote with **SEN. BALES**, **REP. HAWK** and **REP. WITT** voting no. **REP. HAWK** voted no for **REP. WITT** by proxy.

**Motion:** **SEN. BALES** moved that **DECISION PACKAGE 2, PROGRAM 2, MAINTAIN COMMUNITY CORRECTIONS PROGRAMS, BE ADOPTED**.

**Discussion:**

**Mr. Williams** responded to a question from **SEN. BALES**, stating that there are 20 beds in Bozeman and 12 other beds, totaling 32 beds. He also responded to **SEN. SCHMIDT**, saying that the total amount of beds shown on D-88 of the LFD budget analysis are correct. The special care beds are not actually increased beds but an increase in per diem rate by \$20 per day. **Mr. Freebourn** inquired if the rates were correct, since there is an increased number of beds, there would be a decreased per diem rate. **Mr. Williams** responded that the bottom line is that the total is true as stated on D-88, that the confusion is in the layout of the table.

**SEN. GALLUS** asked for clarification, inquiring if the biennium increase is \$2.6 million and not \$3.1 million. **Mr. Freebourn** answered that, as stated, the committee would be approving \$2.6 million for the biennium, but not as a biennium appropriation; but, broken up between the two fiscal years.

**CHAIRMAN CALLAHAN** stated that this amount is not broken up into specific facilities, but rather as a lump sum that would be divided among the facilities as seen fit by the board.

**Vote:** Motion carried 5-2 by voice vote with REPS. HAWK and WITT voting no. REP. HAWK voted no for REP. WITT by proxy.

**Motion:** SEN. GALLUS moved that DECISION PACKAGE 5, PROGRAM 2, DECISION PACKAGE 6, PROGRAM 3, SUBPROGRAM 1 and 2, DECISION PACKAGE 4, PROGRAM 5, SUBPROGRAM 3,4 AND 5, OVERTIME PAY, BE ADOPTED.

**Discussion:**

SEN. BALES discussed making the appropriation one-time-only. Mr. Doig replied that the DOC must ask for this money every time, and it is automatically one-time-only.

(REP. WITT returned to the meeting)

SEN. SCHMIDT noted more staff for parole and probation was approved, which will relieve this overtime, and overtime happens because they don't have enough people. SEN. BALES responded that this requested overtime is specifically for the secure facilities that must be manned around the clock. The overtime has to do with the lack of a hiring pool and vacancy savings.

SEN. SCHMIDT followed-up by asking Mr. Ferriter if probation and parole officers have the same issues. Mr. Ferriter explained they have more flexibility because 24-hour, seven-day-a-week monitoring does not occur.

**Vote:** Motion carried unanimously.

**Motion/Vote:** SEN. SCHMIDT moved that DECISION PACKAGE 13, PROGRAM 2, SUPERVISION FEE SPENDING AUTHORITY, BE ADOPTED. Motion carried 6-1 by voice vote with REP. WITT voting no.

**Secure Custody Facilities**

**Motion:** SEN. SCHMIDT moved that DECISION PACKAGE 7, PROGRAM 3, MONTANA STATE PRISON INMATE PAY, BE ADOPTED.

**Discussion:**

Mr. Freebourn responded to a question by SEN. GALLUS, by stating that in FY06 \$182,938 of the request is general fund and \$100,000 of the request is from the state special fund, and the same for FY07.

**Vote:** Motion carried unanimously.



**Motion/Vote:** SEN. BALES moved that DECISION PACKAGE 11, PROGRAM 3, MONTANA STATE PRISON FEDERAL AUTHORITY, BE ADOPTED. Motion carried unanimously.

**Motion:** SEN. SCHMIDT moved that DECISION PACKAGE 17, PROGRAM 3, STATEWIDE FTE REDUCTION, BE ADOPTED.

**Discussion:**

SEN. SCHMIDT inquired if this FTE reduction would affect overtime. Mr. Williams responded that this was carried over from last biennium to comply with vacancy savings. Mr. Doig interjected that the DOC has the latitude to create these vacancy savings openings wherever they decide. CHAIRMAN CALLAHAN stated that it seems to run a full circle, reducing staff for vacancy savings then having to pay overtime.

Mr. Doig responded to a concern of REP. WITT on the appearance of these fees ending up in supplemental, remarking that this does not always end up in supplemental.

CHAIRMAN CALLAHAN discussed requesting an assessment from the DOC on how they plan to deal with this reoccurring issue. SEN. SCHMIDT suggested oversight by the interim Legislative Finance Committee. Mr. Freebourn pointed out the committee can give a work plan to the Legislative Finance Committee to bring up these issues before they appear. These supplemental issues usually appear during the second year of the biennium.

**Vote:** Motion carried unanimously.

**Montana Correctional Enterprises**

**Motion:** SEN. BALES moved that DECISION PACKAGE 3, PROGRAM 4, LICENSE PLATE RE-ISSUE, BE ADOPTED.

**Discussion:**

**Motion:** SEN. BALES amended his motion so that DECISION PACKAGE 3, PROGRAM 4 BE AMENDED AS ONE-TIME-ONLY AND RESTRICTED TO THE LICENSE PLATE RE-ISSUE.

**Discussion:**

SEN. SCHMIDT inquired how the committee can make this a proprietary item. Mr. Doig explained that this takes prior planning, and ultimately the money would come from the same

general fund either way. **Mr. Freebourn** stated the LFD issue is that the DOC is essentially a producer for the Department of Justice. If the appropriation would be moved to the Department of Justice they would have to pay more attention to the number ordered and the cost of the license plates, so they would also pay the supplemental if they under budgeted. **REP. WITT** answered he had hoped a one-time-only stipulation would cause this issue to be revisited.

**SEN. SCHMIDT** asked if this cost will come up every biennium. **Mr. Freebourn** noted that this is a major reissue of the standard plates that will require every person to purchase the newly designed plate.

Vote: Motion carried unanimously.

Motion/Vote: **SEN. SCHMIDT** moved that DECISION PACKAGE 8, PROGRAM 4, VOCATIONAL EDUCATION INMATE PAYROLL, BE ADOPTED. Motion carried unanimously.

Motion/Vote: **REP. HINER** moved that DECISION PACKAGE 9, PROGRAM 4, VOCATIONAL EDUCATION ADDITIONAL AUTHORITY FOR ISF, BE ADOPTED. Motion carried unanimously.

#### Juvenile Corrections

Motion/Vote: **SEN. BALES** moved that DECISION PACKAGE 15, PROGRAM 5, JUVENILE FEDERAL AUTHORITY REQUEST, BE ADOPTED. Motion carried unanimously.

Motion/Vote: **SEN. BALES** moved that DECISION PACKAGE 10, PROGRAM 5, RESTORE INMATE PAY, BE ADOPTED. Motion carried unanimously.

Motion/Vote: **SEN. BALES** moved that DECISION PACKAGE 15, PROGRAM 5, SUBPROGRAM 5, JUVENILE FEDERAL AUTHORITY REQUEST, BE ADOPTED. Motion carried unanimously.

*{Tape: 3; Side: A; Approx. Time Counter: 13.3 - 29.5}{Tape: 3; Side: B; Approx. Time Counter: 0 - 29.5}{Tape: 4; Side: A; Approx. Time Counter: 0 - 8.1; Decision Package 20}*

**CHAIRMAN CALLAHAN** introduced Decision Package 20, Program 5, Subprogram 6, Restore Funding of Juvenile Placement Funds, as stated in Exhibit 1.

[EXHIBIT\(jch15a03\)](#)

**Mr. Freebourn** explained that this is a general fund request for \$2.7 million each fiscal year. It would be in the area of benefit and claims.

**SEN. BALES** is concerned that this is a large increase that has not been explained. He does not know if that margin of increase is justified, as he's heard there was money left over the last fiscal year.

**CHAIRMAN CALLAHAN** clarified that when this program was originally funded, this money was included but there was excess placed into secure facilities. This reduced the base amount. The request does not bring the money back to its original level.

**REP. WITT** remarked that the number of dollars which were removed were built against the base or used for the supplemental. **Mr. Freebourn** noted that this base was lowered because the dollars spent were sent to another area, whose base was increased. He continued by explaining that unless the legislature restricts dollars to a specific entity, extra dollars can be moved to another area. This causes the shrinking of one base and an increase of another as seen here. **Mr. Doig** informed the committee that the executive of the Department of Corrections has the authority to move appropriation of funds. **REP. WITT** remarked that it would be appropriate for the committee, then, to restrict these funds.

**SEN. BALES** expressed confusion similar to the license plate issue that this program does not fall specifically under the DOC but is in their budget. There was a bill to straighten this out last session, but it did not happen. **CHAIRMAN CALLAHAN** said that there was only discussion of a bill last session. This session, there is a bill draft out, but it has not come forward.

**REP. WITT** queried that if this is general fund money requested, would it reduce the one-time-only money available in HB 2.

**CHAIRMAN CALLAHAN** stated his purpose was to extricate those funds from where they were placed, and not for additional money. There will be an indirect increase in supplemental requests from secure care that will have to be handled.

**Mr. Doig** interjected that not all funds are gone because of the move. It was also reduced by \$1 million. **CHAIRMAN CALLAHAN** stated that calculations are based on an estimate of what was moved, taking into account these reductions. This is why the increase would not bring the program back up to its original \$9.2 million.

**SEN. BALES** clarified that this money is not from general fund but instead moved from one program to another.

**Motion:** **REP. CALLAHAN** moved that **WITH DECISION PACKAGE 20, PROGRAM 5, SUBPROGRAM 6 SHOULD BE RESTORED TO THE 2002 LEVEL, WITH THE FUNDS COMING FROM THE DEPARTMENT OF CORRECTIONS BUDGET, BE ADOPTED.**

**Discussion:**

**REP. HAWK** discussed the fact that this \$5.4 million will come out of some other program of the DOC, which will require another supplemental. He inquired when this would take place and what the impact would be. **Mr. Doig** replied if this amount was taken out, the Finance Committee would immediately hear the issue in FY06. **Mr. Williams** noted that there would not have been a need for a supplemental request before this matter made it to House Appropriations.

**SEN. SCHMIDT** asked where cuts would be made. **Mr. Williams** hypothesized the cuts would happen to transition centers, potentially \$150,000 from secure care. When this money was originally moved it came with orders to begin restricting.

**SEN. BALES** referred to the pardon and parole budget list of what money was going where, and inquired who is responsible for a similar list for juvenile placement. Moreover, he asked, "Why was this not brought to our attention earlier if it is a problem of workload?" **Mr. Williams** responded that this program has made clear to the Department that it needs money, but no formal requests have been made.

**Steve Gibson, Youth Services**, emphasized that no FTEs are involved, that this request is only to place more kids and keep them out of juvenile secure care. This money has not always been spent but, with the increased use of methamphetamine, the caseload will increase.

**SEN. BALES** queried what programs are involved. **Mr. Gibson** stated the placement funds involve group homes, foster care, counselors and residential health care. Once again, this is only for services.

**Substitute Motion/Vote:** **REP. WITT** made a substitute motion that **DECISION PACKAGE 20 BE AMENDED TO REDUCE THE REQUESTED AMOUNT TO \$2.7 MILLION THIS BIENNIUM, THEREFORE REDUCING EACH FISCAL YEAR**

**BY ONE HALF. Substitute motion failed 3-4 by voice vote with REPS. HINER, WITT, and SEN. SCHMIDT voting aye.**

**SEN. BALES** explained that he voted no because he did not want to take away from a budget that has already been approved, which the DOC came in needing.

**Motion: SEN. BALES moved that DECISION PACKAGE 20 BE AMENDED TO REDUCE THE ORIGINAL REQUEST BY HALF, BUT TO BE TAKEN FROM THE GENERAL FUND AND NOT THE DEPARTMENT OF CORRECTIONS' BUDGET.**

**Discussion:**

**REP. HAWK** wanted to know more about programs before voting. **CHAIRMAN CALLAHAN** commented that there has been public testimony from the probation and parole office as well as Mr. Gibson. This money is to develop lower cost alternatives from which the juvenile court system could pick. This would bring it back to a previous level, and focus on spending money early on rather than waiting until the youth is an adult offender.

**SEN. SCHMIDT** asked when funds were reduced. **Mr. Gibson** stated the pilot program started in 1997. In 1999, there was a compromise between two bills, resulting in the option for districts to spend this money. Currently, every district but one participates. In 2001 there were six pilot programs, which are broken into three parts. One is a \$1 million contingency fund that has to be in their base every year. The other two are probation and parole placement. In response to a question by **SEN. SCHMIDT**, **Mr. Gibson** also stated the money was first used by the DOC in July 2001, when \$4-6 million was used. In FY04 youth services saved \$1.4 million, three fourths of which went to DOC; the rest went to parole.

**REP. WITT** stated he is not comfortable increasing the DOC appropriation by \$2.7 million.

**Vote: Motion failed 0-7 by voice vote.**

**Motion: SEN. GALLUS moved that DECISION PACKAGE 20, PROGRAM 5, SUBPROGRAM 6, AS ORIGINALLY STATED, BE ADOPTED.**

**Discussion:**

**SEN. BALES** remarked he is not comfortable voting on this today without earlier discussion, and is not comfortable spending any more general fund or DOC money.

**CHAIRMAN CALLAHAN** argued this DP is just getting the money into its proper column. Executive action was taken without advisement from the juvenile placement program.

**Vote:** Motion failed 2-4 by voice vote with REPS. CALLAHAN and WITT voting aye.

**Motion/Vote:** SEN. GALLUS moved that PROPRIETARY RATES FOR MONTANA STATE COOK/CHILL, BE ADOPTED. Motion carried unanimously.

**Motion/Vote:** SEN. GALLUS moved that PROPRIETARY RATES FOR PROGRAM 4 LAUNDRY SERVICES, BE ADOPTED. Motion carried unanimously.

**Motion:** SEN. GALLUS moved that DECISION PACKAGE 21 ALLOWING AN ACROSS THE BOARD 4% INCREASE OF PRERELEASE PER DIEM RATES, BE ADOPTED.

**Discussion:**

**Mr. Freebourn** asked for clarification, whether it is a 4% one-time-only FY06 increase and FY07 level or 4% increase FY06 then 4% increase FY07. The committee then discussed the specifics of this increase with the help of Exhibit 4.

**EXHIBIT(jch15a04)**

**SEN. GALLUS** clarified his intention is outlined in Exhibit 4, chart 2, a 2% increase each year of the biennium. He notes this motion is in response to inflation rates increase without a reciprocal per diem increase.

**SEN. BALES** shares his concerns with SEN. GALLUS and also stated regional prisons are in the same situation.

**Mona Jamison, representative for prerelease facilities,** added that it has been six to eight years since the last increase. Money should be put into those facilities that already have supervision and programming in place.

**Vote:** SEN. GALLUS amended his motion that DECISION PACKAGE 21, PROGRAM 2, SUBPROGRAM 3, DO PASS AS AMENDED TO ALLOW A \$293,612 INCREASE IN FY06 AND \$293,612 INCREASE IN FY07, LIMITED TO PRERELEASE CENTERS AS OPERATING COSTS OUT OF THE GENERAL FUND. Motion carried unanimously.

**SEN. BALES** asked Director Slaughter if the regional facilities should also be addressed. **Mr. Slaughter** responded that if the money comes out of the general fund, then great. If it is from the DOC budget as designated the agency will struggle.

**SEN. GALLUS** pointed to the \$1.5 million from O-Track, and wondered if this amount was in the executive budget. **Mr. Slaughter** confirmed this statement.

**CHAIRMAN CALLAHAN** inquired what is considered a regional prison. **Mr. Williams** responded Dawson and Cascade County only.

**Motion:** **SEN. BALES** moved that DECISION PACKAGE 22, PROGRAM 2, SUBPROGRAM 4, BE ADOPTED FOR THE REGIONAL PRISONS LIMITED TO DAWSON AND CASCADE TO ALLOW A 2% INCREASE OF \$101,039 IN FY06 AND A 2% INCREASE OF \$101,039 IN FY07 AS OPERATING COSTS OUT OF THE GENERAL FUND.

**Motion/Vote:** **REP. HAWK** moved that DECISION PACKAGE 22, PROGRAM 2, SUBPROGRAM 4, BE ADOPTED AS AMENDED TO INCLUDE MISSOULA, CHANGING THE COSTS TO \$151,558 IN FY06 AND \$151,558 IN FY07. Motion carried unanimously.

**Mr. Freebourn** explained that the Department of Corrections section is not yet closed as the meeting on DP 16 is pending as stated earlier.

**ADJOURNMENT**

Adjournment: 11:55 A.M.

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REP. TIM CALLAHAN, Chairman

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SHANNON SCOW, Secretary

TC/SS

Additional Exhibits:

**EXHIBIT ([jch15aad0.PDF](#))**